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EXAMINER	
DESIR, PIERRE LOUIS	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,848	NIEMI, AKI	
	Examiner	Art Unit	
	PIERRE-LOUIS DESIR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/22/2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-27 and 29-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-27 and 29-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 25-48 have been considered but are moot in view of the new ground(s) of rejection.

Independent claims 25, 33, and 41 have been previously written in the alternative form as related to the third message being transmitted from a first terminal to another terminal by either direct communication or communication via the conference server.

In the rejections that followed, Examiner has expressed that Chung discloses a first terminal transmitting a third message to a terminal by communication via the conference server.

The independent claims have been amended by removing the alternative description of "communication via the conference server." With the present application, the transmission of the direct between the first terminal and the other terminal takes place by direct communication. Such disclosure would require new ground of rejection. And the action may be made FINAL.

Regarding the 112, first paragraph rejection, Applicants argues that it is well known that a server is a computer that would utilize a computer readable medium to run certain instructions in performance of certain functions. Additionally, continue applicants, one of ordinary skill in the art would know that the communication terminal possess logic to perform computing functions and that such functions would be captured in a computer readable medium.

Examiner does agree with applicants regarding what may be included in a server, and the logic that a communication terminal may possess. However, Applicants are asking to assume the existence of computer readable medium in the Application since a server may comprise a computer readable medium and a communication terminal may possess certain logic.

Examiner fails to see what prevented Aplicants from claiming a computer readable medium at the time the application was filed. A computer readable medium is a specific feature that if claimed after the application was filed need to have been present in or supported by the specification. A communication terminal possesses many entities besides memory. And, if those entities are performing an action, those entities need to be claimed accordingly. In this case, at the time of the application was filed, Applicants fails to claim a computer readable medium. The Office cannot simply accept an assumption as fact.

The 112 first paragraph rejection stands.

Applicant's arguments filed on 05/22/2009, regarding claims 49, 53, and 57 have been fully considered but they are not persuasive.

Applicants argue that Gourraud does not disclose “dynamically generated uniform resource identifier.”

Examiner respectfully disagrees.

As disclosed in the previous Office action, Gourraud discloses a conference call URI that is dynamically updated during an ongoing conference call (paragraph 24). Gourraud further describes that the URI is always associated to the participants currently involved in the conference call. As known, generate may be described as "bring into being or existence.” And with “update” that may be described as “modernize, bring up-to-date, modify,” one skilled in the art would appreciate that the in Gourraud the URI may be modified, changed, updated as related to the conference and conference participants. Hence, URI is being generated.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3 Claims 25-32, 49-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 25-32 and 49-52 discloses a "computer readable medium." This disclosure constitutes new matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 25-27, 29-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Riikonen et al. (Riikonen), US 20030123488 A1.

Regarding claims 25 and 33, Chung discloses a computer readable medium encoded with a computer code for performing a method when run on a computer (see paragraph 40) and a method comprising:

transmitting from a first terminal to a conference server a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73);

receiving by the first terminal from the server a second message comprising a network address identifying a resource capable of sustaining the conference call which has been allocated by the server (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75); and

transmitting from the first terminal to at least one other terminal a third message comprising the network address, wherein the third message comprising the network address is transmitted from the first terminal to the at least one other terminal by communication via the conference server (i.e., user is invited to join the conference. To invite user B to join the conference, the SEC client associated with user A sends an invitation message such as a SIP INVITE message to the communications controller 114. The invitation message is addressed to the conference identifier and includes the user identifier for user A. The invitation message also includes a proposed header addressed to user identifier of user B. Upon receiving the invitation message, and if user B is available, the communication controller communicates a second invitation message to the SEC client associated with user B, wherein the conference ID for the specified conference is included as a URI in the SIP Contact header) (see fig. 7, paragraphs 83-84, and 91). Thus, to

invite a user to join a specified conference a (indirect) message is sent to the communication controller and forwarded to the SEC client associated with user B.

A first message requesting resource is sent to the controller. A second message including the resource, i.e., conference ID, is allocated and sent to the user A. User A, to invite another user to join the conference, would send an invite message to the communication controller. The message would include a "To" header, "From" header, and "Also" header. The Also header would identify user B as the user to forward the message for the invitation to join the conference. And, the message will be forwarded to user B, in the form of a second invite message, accompanied by the conference ID, to join the conference. Also, paragraph 91 discloses an embodiment wherein user A uses contact information to invite other users to join the existing conference using the methods described with fig. 7.

Chung, however, does not specifically disclose a medium, method, and system, wherein a first terminal transmits a message to another terminal by direct communication.

Riikonen discloses a method, medium, and system wherein a caller terminal sends a SIP invite message to a callee terminal by direct communication, including a network address (see figs. 2-3, paragraphs 24-25, and claims 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Riikonen with the teachings described by Chung to arrive at the claimed invention wherein a calling terminal may communicate, i.e., sending SIP invite message, directly to a called terminal. A motivation for doing so would have been to provide fast and efficient communication services.

Regarding claim 41, Chung discloses an apparatus, comprising:

a transmitter configured to transmit to a conference server a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and

a receiver configured to receive from the conference server a second message comprising a network address identifying a resource capable of sustaining the conference call which has been allocated by the server (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75), and

wherein the transmitter is further configured to transmit to at least one terminal a third message comprising the network address, wherein the third message comprising the network address is transmitted from the first terminal to the at least one other terminal by communication via the conference server (i.e., user is invited to join the conference. To invite user B to join the conference, the SEC client associated with user A sends an invitation message such as a SIP INVITE message to the communications controller 114. The invitation message is addressed to the conference identifier and includes the user identifier for user A. The invitation message also includes a proposed header addressed to user identifier of user B. Upon receiving the invitation message, and if user B is available, the communication controller communicates a second invitation message to the SEC client associated with user B, wherein the conference ID for the

specified conference is included as a URI in the SIP Contact header) (see fig. 7, paragraphs 83-84, and 91). Thus, to invite a user to join a specified conference a (indirect) message is sent to the communication controller and forwarded to the SEC client associated with user B. Also refer to claim 1 for the disclosed further analysis.

Chung, however, does not specifically disclose a medium, method, and system, wherein a first terminal transmits a message to another terminal by direct communication.

Riikonen discloses a method, medium, and system wherein a caller terminal sends a SIP invite message to a callee terminal by direct communication, including a network address (see figs. 2-3, paragraphs 24-25, and claims 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Riikonen with the teachings described by Chung to arrive at the claimed invention wherein a calling terminal may communicate, i.e., sending SIP invite message, directly to a called terminal. A motivation for doing so would have been to provide fast and efficient communication services.

Regarding claims 26, 34, and 42, Chung discloses a method, and apparatus (see claims 25, 33, and 41 rejections) further comprising initiating a connection from the first terminal to the network address to establish a conference call between the first terminal and the said other terminal (i.e., the SEC client device associated with user A communicates a second invitation message to communications controller, wherein the invitation message is addressed to the conference identifier) (see paragraph 76).

Regarding claims 27, 35, 43, Chung discloses a computer readable medium, a method, and apparatus (see claims 26, 34, and 42 rejections) wherein the transmitting the third message

further comprises transmitting from the first terminal to at least two other terminals the third message comprising the network address (i.e., Chung discloses that User A using SEC client 170 can participate in conference 1 with user B and user C. Thus, the third message, including the conference identifier, is forwarded to both user B and user C) (see fig. 7, paragraphs 83-85, 91, 110), and wherein the initiating further comprises initiating a connection from the first terminal to the network address to establish the conference call between the first terminal and the said other terminals (see fig. 7, paragraphs 83-85, 91, and 110).

Regarding claims 36, 44, Chung discloses a computer readable medium, a method, and apparatus (see claims 33, and 41 rejections) wherein the first, second and third messages are session initiation protocol messages (i.e., SIP invite, SIP redirect, and SIP invite/refer) (see figs. 6-7, and paragraphs 71, 75, and 83).

Regarding claims 29, 37, and 45, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the transmitting from a first terminal to the server, the first message is an INVITE message (see paragraph 71).

Regarding claims 30, 38, and 46, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the receiving from the server, the second message is a redirection message (see paragraph 75).

Regarding claims 31, 39, and 47, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the transmitting from the first terminal to at least one other terminal, the third message is a REFER message (see fig. 7, and paragraph 83).

Regarding claims 32, 40, and 48, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the receiving by the first terminal, the network address is a uniform resource identifier (i.e., SIP URI) (see paragraph 72).

6. Claims 49-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Gourraud, Publication Number US 20040037406.

Regarding claims 49 and 53, Chung discloses a computer readable medium encoded with a computer code for performing a method when run on a computer (see paragraph 40), the method comprising: receiving from a first terminal a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73);

allocating a network address identifying a resource capable of sustaining the conference call (i.e., creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and

transmitting to the first terminal a second message comprising the network address that identifies the resource capable of sustaining the conference call (i.e., the communications sends a

redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75).

Although Chung discloses a method and apparatus as described, Chung does not specifically disclose a method and apparatus wherein the network address is a dynamically generated uniform resource identifier.

However, Gourraud discloses a method and apparatus wherein the conference call is identified by a Uniform Resource Identifier, which is dynamically updated during the ongoing conference call (see paragraph 24).

Therefore, it would have been obvious tone of ordinary skill in the art at the time of the invention to combine the teachings as described by Gourraud with the teachings described by Chung to arrive at the claimed invention. A motivation for doing so would have been the conference identifier is always associated to the participants currently involved in the conference call (see paragraph 24).

Regarding claim 57, Chung discloses an apparatus comprising a receiver configured to receive from a first terminal a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73);

an allocation unit configured to allocate a network address identifying a resource capable of sustaining the conference call i.e., creates a new conference by generating and assigning a unique

conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and

a transmitter configured to transmit to the first terminal a second message comprising the network address that identifies the resource capable of sustaining the conference call (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75).

Although Chung discloses a method and apparatus as described, Chung does not specifically disclose a method and apparatus wherein the network address is a dynamically generated uniform resource identifier.

However, Gourraud discloses a method and apparatus wherein the conference call is identified by a Uniform Resource Identifier, which is dynamically updated during the ongoing conference call (see paragraph 24).

Therefore, it would have been obvious tone of ordinary skill in the art at the time of the invention to combine the teachings as described by Gourraud with the teachings described by Chung to arrive at the claimed invention. A motivation for doing so would have been the conference identifier is always associated to the participants currently involved in the conference call (see paragraph 24).

Regarding claims 50, 54, and 58, Chung discloses a method and apparatus (see claims 49, 53, and 57 rejections) wherein the first and second messages are session initiation protocol messages (i.e., SIP invite, SIP redirect, and SIP invite/refer) (see figs. 6-7, and paragraphs 71, 75, and 83).

Regarding claims 51, 55, and 59, Chung discloses a method, and apparatus (see claims 49, 53, and 57 rejections) wherein the first message is an INVITE message (see paragraph 71).

Regarding claims 52, 56, and 60, Chung discloses a method, and apparatus (see claims 49, 53, and 57 rejections) wherein the second message is a redirection message (see paragraph 75).

7. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung and in view of Iveland et al. (Iveland), US 20030026214 A1.

Regarding claim 61, the combination discloses a method as described (see claim 33 rejection).

The combination, however, does not specifically disclose a method wherein the conference call is established in an ad hoc manner.

Iveland discloses a method wherein a conference call is established in an ad-hoc manner (see paragraphs 25-26 and 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination to arrive at the claimed invention. A motivation for doing so would have been to provide control, as related to adding people in the conference, to the initiator of the conference.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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